

IN RE: PETITION FOR ZONING VARIANCE
N/S Dawn Day Court, 110' W of
the c/l of Daybreak Terrace
(4 Dawn Day Court)
14th Election District
6th Councilmanic District
Ronald J. McBride, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (shed) in the side yard in lieu of the required rear yard with a side yard setback of 1 foot in lieu of the required 2 and 1/2 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-
tants.

Testimony indicated that the subject property, known as 4 Dawn Day Court, zoned D.R. 5.5, is located in the Daybreak Estates subdivi-
sion. Petitioners constructed a 7.3' x 13.3' shed in the side yard, adja-
cent to their home and 1 foot from the side property line, following ob-
taining approval from the architectural committee of Daybreak Estates.
Petitioner contacted the Office of Zoning prior to construction and be-
lieved no variance was necessary. He misinterpreted the term "rear
yard". Testimony indicated to relocate the shed to the rear yard would
possibly impeded water drainage from the property due to the slope of the
lot. Petitioners introduced as Exhibit 3B a letter from Karen Sheffery,
the affected adjacent property owner, indicating she has no objection to
the shed. Ms. Sheffery noted the Petitioners took care to construct the
shed in conformance with the existing dwelling and surrounding neighbor-
hood. Also introduced was a letter from neighbors who live across the

street indicating they have no objection to the shed's location. Petition-
ers testified to require strict compliance with the zoning regulations
would result in unreasonable hardship to them. Further, they contend the
granting of the variance will not result in any detriment to the health,
safety and general welfare of the community.

Based upon the testimony and evidence presented at the hearing,
all of which was uncontradicted, in the opinion of the Deputy Zoning Com-
missioner the relief requested sufficiently complies with the requirements
of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)
and, therefore, should be granted. There is no evidence in the record
that the subject variance would adversely affect the health, safety,
and/or general welfare of the public. Furthermore, strict compliance with
the B.C.Z.R. would result in practical difficulty and/or unreasonable
hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and pub-
lic hearing on this Petition held, and for the reasons given above, the
requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for
Baltimore County this 31st day of October, 1988 that the Petition for
Zoning Variance to permit an accessory structure (shed) in the side yard
in lieu of the required rear yard with a side yard setback of 1 foot in
lieu of the required 2 and 1/2 feet, in accordance with Petitioner's Exhib-
it 1, be and is hereby GRANTED, subject, however, to the following restric-
tions, which are conditions precedent to the relief granted herein:

- 1) The Petitioner is hereby made aware that proceed-
ing at this time is at his own risk until such time as
the 30-day appellate process from this Order has ex-
pired. If, for whatever reason, this Order is re-
versed, the Petitioner would be required to return,

-2-

PETITION FOR ZONING VARIANCE #60

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is
described in the description and plat attached hereto and made a part hereof, hereby petition for a
Variance from Section 400.1 To permit an accessory structure (shed)
to be located in the side yard instead of the rear yard
with a setback of 1 ft. in lieu of the required 2 1/2 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the
following reasons: (Indicate hardship or practical difficulty)

1. Relocation of the utility shed to the rear yard would possibly impede water
drainage from the property due to the slope of the lot.
2. Relocation of the shed would require almost total disassembly and would cause
total loss of roof shingles and other materials used in construction.
3. Relocation of the shed would require style change since roof pitch & door
location were designed for current location. This would require additional
material & sight preparation would be difficult if not impossible due to
slope of the only available area in rear yard (elevation drops 42" in 30').

as prescribed by Zoning Regulations.

Now Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,
under the penalties of perjury, that I/we
are the legal owner(s) of the property
which is the subject of this Petition.

Legal Owner(s):
Ronald Joe H. McBride
(Type or Print Name)
Signature
TAMARA McBRIDE
(Type or Print Name)
Signature
N16450
E 27,790

4 Dawn Day Ct. 866-5543
Address Phone No.
Baltimore, Md. 21206
City and State

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
RONALD & TAMARA McBRIDE
Name
4 DAWN DAY CT. 866-5543
Address Phone No.
Baltimore, Md. 21206
City and State

Attorney's Telephone No.: 244

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day

of October, 1988, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 21st day of October, 1988, at 9 o'clock
A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 10/28/88
By J. Robert Haines

ESTIMATED LENGTH OF HEARING 1/2 HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: J. Robert Haines
DATE 8/11/88

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total loss of roof shingles and other materials used in construction.
3. Relocation of the shed would require style change since roof pitch & door
location were designed for current location. This would require additional
material & sight preparation would be difficult if not impossible due to
slope of the only available area in rear yard (elevation drops 42" in 30').

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,
under the penalties of perjury, that I/we
are the legal owner(s) of the property
which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Legal Owner(s):
Ronald Joe H. McBride
(Type or Print Name)
Signature
TAMARA McBRIDE
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
4 Dawn Day Ct. 866-5543
Address Phone No.
Baltimore, Md. 21206
City and State

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
RONALD & TAMARA McBRIDE
Name
4 DAWN DAY CT. 866-5543
Address Phone No.
Baltimore, Md. 21206
City and State

Attorney's Telephone No.: 244

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J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 10/28/88
By J. Robert Haines

and be responsible for returning, said property to its
original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 10/28/88
By J. Robert Haines

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Sept. 29, 1988.

THE JEFFERSONIAN,

S. Zake Orlean
Publisher

PO#05111
Reg # M20319
Price \$69.00

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of 1 successive weeks, the first publication appear-
ing on Sept. 29, 1988.

THE JEFFERSONIAN,

S. Zake Orlean
Publisher

PO#05111
Reg # M20319
Price \$69.00

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 31, 1988

Mr. & Mrs. Ronald J. McBride
4 Dawn Day Court
Baltimore, Maryland 21206

RE: PETITION FOR ZONING VARIANCE
N/S Dawn Day Court, 110' W of the c/l of Daybreak Terrace
(4 Dawn Day Court)
14th Election District - 6th Councilmanic District
Ronald J. McBride, et ux - Petitioners
Case No. 89-145-A

Dear Mr. & Mrs. McBride:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Zoning Variance has been granted
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-145-A

District: 14th
Posted for: Variance
Petitioner: Ronald Joe H. McBride et ux
Location of property: N/S Dawn Day Ct., 110' W of Daybreak Terrace
4 Dawn Day Ct.
Location of Sign: 4 Dawn Day Ct., across St. from rear yard, on
property of R. J. McBride
Remarks: None
Posted by: J. Robert Haines
Number of Signs: 1
Date of Posting: 10/27/88
Date of return: 10/27/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 10/12/88

Mr. & Mrs. Ronald Joe McBride
4 Dawn Day Court
Baltimore, Maryland 21205

Re: Petition for Zoning Variance
CASE NUMBER: 89-145-A
N/S Dawn Day Court, 50' Wide, 110' W c/l Daybreak Terrace
(4 Dawn Day Court)
14th Election District - 6th Councilmanic
Petitioner(s): Ronald Joe McBride, et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Dear Mr. & Mrs. McBride:

Please be advised that \$24.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 059037

post set(s), there
each set not

DATE 10/21/88 ACCOUNT R-01-615-000

AMOUNT \$ 24.00

RECEIVED FROM: Ronald Joe McBride

FOR: Posting and Advertising 10/21/88 Hearing

VALIDITY: OR SIGNATURE OF CASHIER

Arthur E. and Mary Ross, Jr.
1 Dawn Day Court
Baltimore, Maryland 21206

October 17, 1988

RE: Mr. and Mrs. McBride's Shed
4 Dawn Day Court
Baltimore, Maryland 21206

Attention: Baltimore County Zoning Commissioner

Dear Sir:

I am writing in reference to the hearing to be held on October 20, 1988 regarding the shed that Ron McBride built. We live across the street and do not view the shed as an eyesore. Ron took a lot of care in building the shed, the roof shingles are the same color as the house shingles and outside material of the shed is the same as the house, in fact the shed looks like an addition to the house.

We will not be able to attend the meeting, but we wanted our feeling known.

Sincerely,

Arthur E. Ross, Jr.
Arthur E. Ross, Jr.

PETITIONER'S
EXHIBIT 3

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 13, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-145-A
N/S Dawn Day Court, 50' Wide, 110' W c/l Daybreak Terrace
(4 Dawn Day Court)
14th Election District - 6th Councilmanic
Petitioner(s): Ronald Joe McBride, et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Variance to permit an accessory structure (shed) to be located in the side yard instead of the rear yard with a setback of 1 ft. in lieu of the required 2 1/2 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

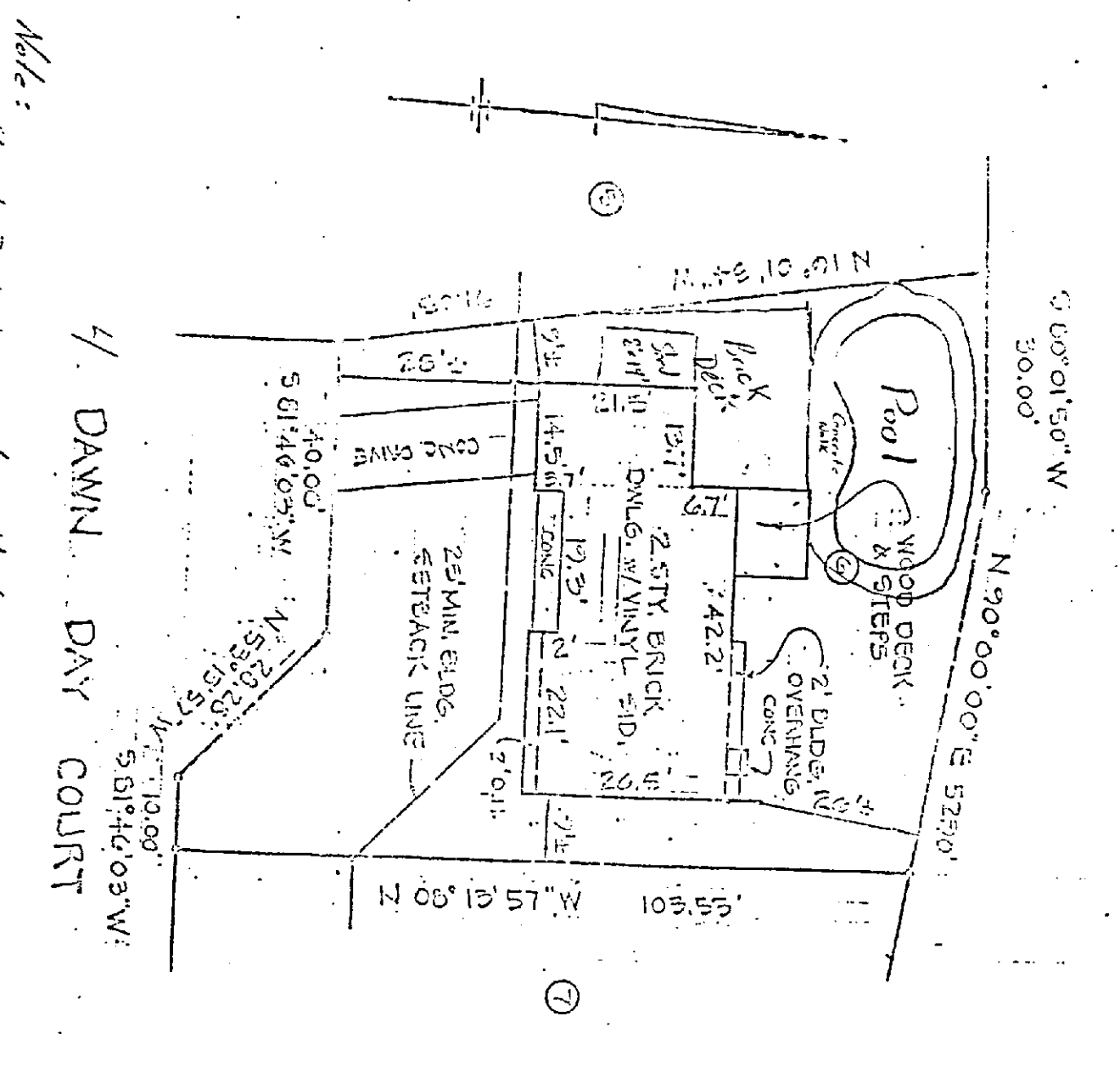
cc: Mr. & Mrs. McBride
File

4 Dawn Day Ct

YOUR ATTACHED PLANS FOR CONSTRUCTION OF A BRICK PATIO & SHED AND THE EXTENSION OF YOUR FENCE HAS BEEN APPROVED. HOWEVER, PLEASE BE AWARE THAT ACCORDING TO YOUR PLANS, YOUR SHED MAY NOT MEET BALTIMORE COUNTY REQUIREMENTS FOR MINIMUM SET BACK FROM YOUR NEIGHBOR'S PROPERTY LINE. WE SUGGEST THAT YOU CONTACT THE COUNTY TO VERIFY THE MINIMUM CLEARANCE REQUIREMENT. THANK YOU FOR SUBMITTING YOUR PLANS.

DAYBREAK ESTATES
ARCHITECTURAL COMMITTEE
4/23/88

PETITIONER'S
EXHIBIT 2



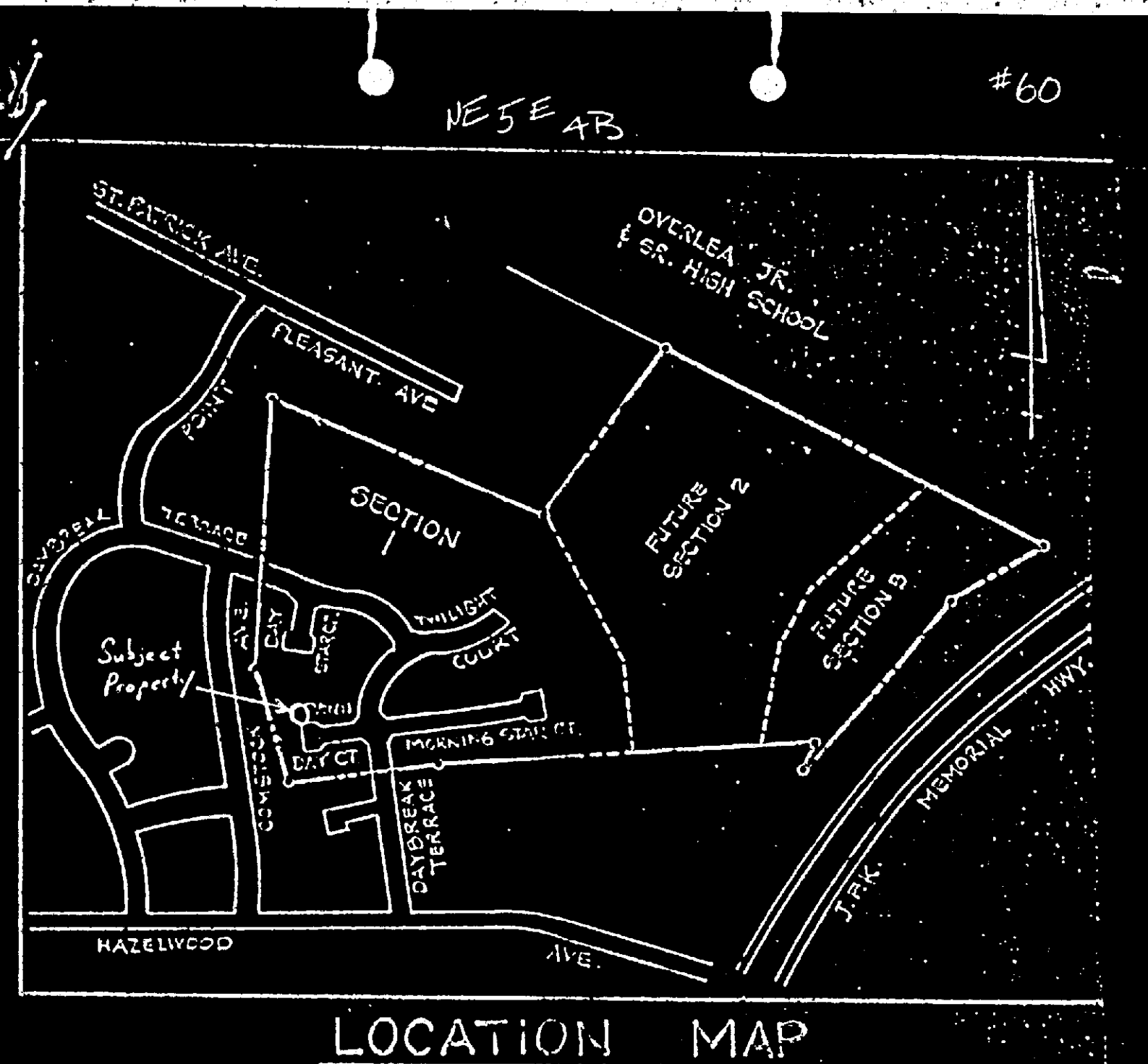
Note: Back Deck by pool will be approx. 200 sq ft and will be constructed with a 1/2\"/>

PETITIONER(S) EXHIBIT (4)



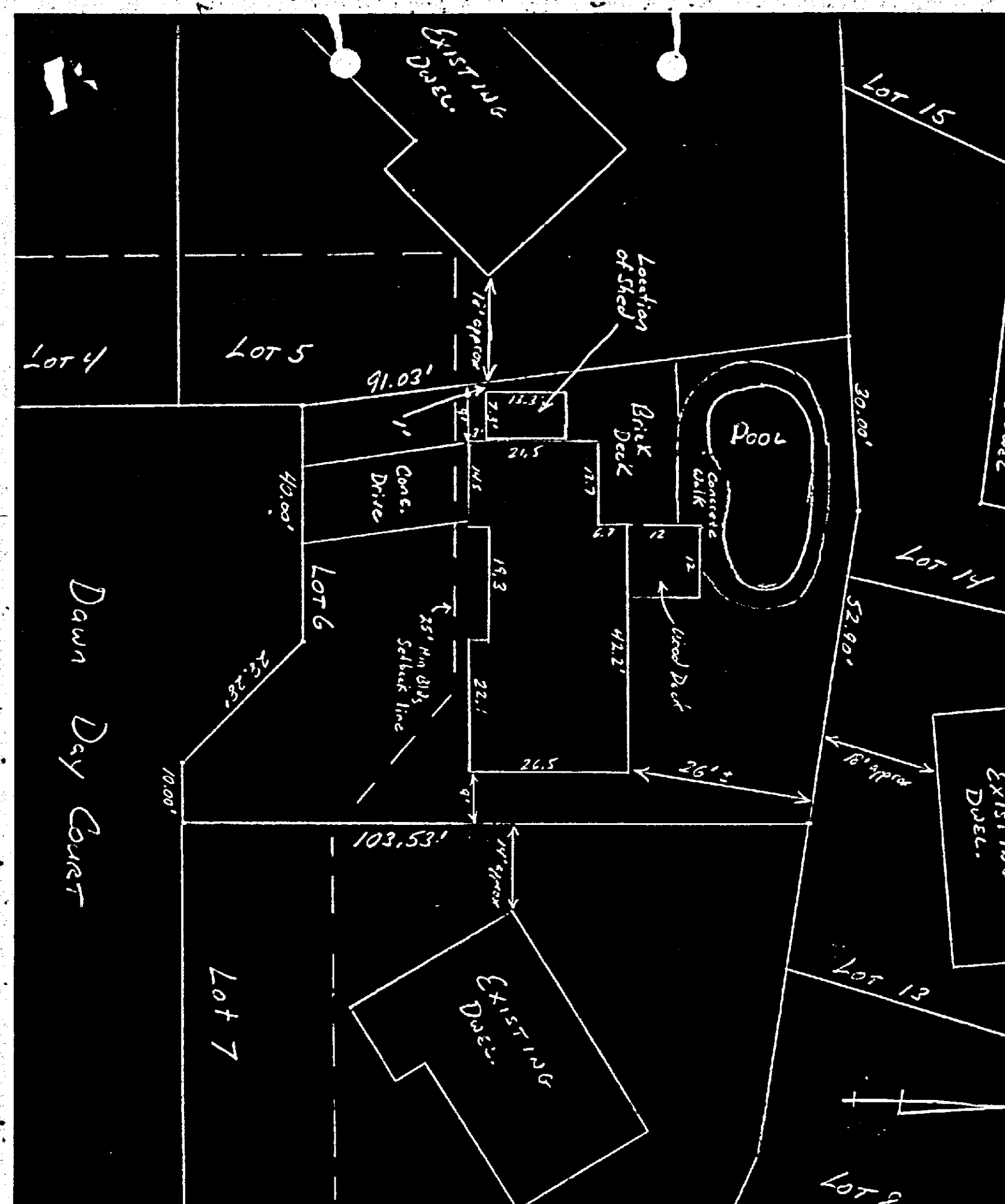
PETITIONER(S) EXHIBIT (4)





ZONING DESCRIPTION

BEGINNING ON THE NORTH SIDE OF DAWN DAY COURT 50 FEET WIDE, AT A DISTANCE OF 110 FEET WEST FROM THE CENTERLINE OF DAYBREAK TERRACE, 50 FEET WIDE RIGHT OF WAY. BEING LOT 6, SECTION 1, IN THE SUBDIVISION OF DAYBREAK ESTATES, BOOK NO. 52, FOLIO 147. ALSO KNOWN AS 4 DAWN DAY COURT IN THE 14TH ELECTION DISTRICT.



OWNER: RONALD J. & TAMARA MCBRIDE

DISTRICT: 14 ZONED: DR 5.5
SUBDIVISION: DAYBREAK ESTATES

LOT: 6 SECTION: 1, BOOK: 52 FOLIO: 147

EXISTING UTILITIES IN DAWN DAY COURT

SCALE: 1" = 20'

7200 SQUARE FOOT + OR -

.165 ACRES + OR -

PETITIONER'S EXHIBIT 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Ronald J. McBride
4 Dawn Day Court
Baltimore, Maryland 21206

RE: Item No. 60 - Case No. 89-145-A
Petitioner: Ronald J. McBride, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. McBride:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

89-145-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of August, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Ronald J. McBride, et ux
Petitioner's Attorney: _____

Received by: *James W. Dyer*
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
434-4500

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204



Re: Property Owner: Ronald Joe McBride, et ux

Location: N. side of Dawn Day Ct., 50' wide, 110' West from the centerline of Daybreak Terrace.
Item No.: 60 Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Dwyer Kelly 9-7-88*
Planning Group
Special Inspection Division

NOTED & APPROVED: *John F. O'Neill*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer
Zoning Supervisor Date: *August 11th, 1988*

FROM: James Thompson
Zoning Enforcement Coordinator

Item No.: *60* (if known)
Petitioner: *McBride* (if known)

SUBJECT: _____

VIOLATION CASE: *C-89-109*

LOCATION OF VIOLATION: *4 Dawn Day Court*
DEFENDANT: *Ronald Joe & Tamara J. McBride*
4 Dawn Day Court
Baltimore, Md. 21206

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.